

CWP-16762-2023

Date of Decision: 13.09.2023.

Citation No. 2023:PHHC:122447

Sukhdev Singh

...Petitioner

VERSUS

Registrar Cooperative Societies and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA.

Present: Mr. Harjot Singh Bedi, Advocate for the petitioner.

DEEPAK MANCHANDA, J.(ORAL)

1. The instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus, directing the respondents to release the retiral dues of the petitioner, who stood retired from service on 05.08.2022 as the retiral benefits of the petitioner have not been released despite submission of representation and legal notice.

2. Learned counsel for the petitioner contends that the petitioner was working as Salesman with respondent No.4-Society and after rendering thirty three years of service, stood retired on 05.08.2002. Learned counsel further contends that as per the Punjab State Cooperative Agricultural Service Society Service Rules, 1997, the petitioner is admissible to gratuity and leave encashment, however, the same have not been released to the petitioner till date. Learned counsel further contends that petitioner has served represented dated 20.01.2023 (Annexure P/2) followed by a legal notice dated 01.06.2023 (Annexure P-3) to respondents, which have not

been taken into consideration till date and the petitioner would be satisfied if necessary directions are issued to the respondents for deciding the legal notice (Annexure P/3), in a time bound manner.

3. Notice of motion to respondent Nos.1 to 3 only.

4. On asking of the Court, Mr. Arun Gupta, AAG, Punjab, accepts notice on behalf of respondent Nos.1 to 3 and does not object to the prayer made by learned counsel for the petitioner.

5. In view of the pleadings in the present petition, without expressing any opinion on the merits of the case or the claim being made by the petitioner in the legal notice dated 01.06.2023 (Annexure P-3), respondent No.2 is directed to consider and decide the legal notice, by passing a speaking order within a period of 8 weeks from the date of receipt of certified copy of this order. It is further directed that if on decision of the legal notice, the petitioner is found entitled to the claim mentioned in the abovesaid legal notice, necessary disbursement of funds shall be made to the petitioner within a period of 8 weeks thereafter, subject to there being no legal impediment in releasing the said funds to the petitioner.

6. The petition stands disposed of.

13.09.2023
raj.khurana

(DEEPAK MANCHANDA)
JUDGE

Whether Reportable : Yes/No
Whether Speaking/Reasoned : Yes/No